

Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent

Docket No.
1038-729 MIS:jb

In Re Application Of: Barbara Papadop ulou

SEP 04 2003
PATENT & TRADEMARK OFFICE

Serial No.
08/931,721

Filing Date
Sept-16-1997

Examiner
Stephen Gucker

Group Art Unit
1647

Invention: MACROPHAGE-INFECTING PARASITES EXPRESSING A GRANULOCYTE-MACROPHAGE
COLONY STIMULATING FACTOR

Owner of Record: UNIVERSITÉ LAVAL

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,331,304. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.



Signature

Michael L. Stewart (Reg. No. 24,973)

Typed or Printed Name

Dated: August 29, 2003

09/08/2003 ASONDAF1 00000003 08931721

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110.00 DP

Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
 PTO suggested wording for terminal disclaimer was unchanged.
 Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 1038-629MIS:II	SERIAL NO. 08719,768 08/931,721
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		O P E SEP 17 1998 U.S. PATENT & TRADEMARK OFFICE		
APPLICANT Barbara Papadopoulou et al				
FILING DATE September 13, 1996		GROUP 1645		

U.S. PATENT DOCUMENTS

*INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCL.	FILING DATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCL.	TRANSLATION
						YES
						NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER: KLAUDIA SOOD

DATE CONSIDERED:

11-20-98

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered: Include copy of this form with next communication with applicant.

FORM PTO-1448	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 1038-629MIS:II	SERIAL NO. <u>08/719,766</u> <u>08/931,721</u>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT <u>Barbara Papadopoulou et al</u>		
		FILING DATE September 13, 1996	GROUP 1645	
O P E SEP 17 1998 U.S. PATENT & TRADEMARK OFFICE				

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EXAMINER:

KHALID MAJID

DATE CONSIDERED:

11-20-98

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608; Draw line through citation if in conformance and not considered. Include copy of this form with next communication with applicant.

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 1038-629MIS:II	SERIAL NO. 08/713,700 08/931,721
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		O I P E SEP 17 1998 U.S. PATENT & TRADEMARK OFFICE		
		APPLICANT Barbara Papadopoulou et al		
		FILING DATE September 13, 1996	GROUP 1645	

U. S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCL.	TRANSLATION
						YES
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EXAMINER: KATHALIA MASON

DATE CONSIDERED:

11-20-98

*EXAMINER: Initial H reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication with applicant.

FORM PTO-1448	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 1038-629MIS:II	SERIAL NO. <u>08/713,708</u> <u>08/931,721</u>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT <u>Barbara Papadopoulou et al</u>		
		FILING DATE	GROUP 1645	
		<u>September 13, 1996</u>		

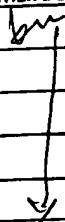
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EXAMINER: K YTA (20) MAB5007DATE CONSIDERED: 11-20-98

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** Will Follow shortly